REMARKS

The Office Action dated April 1, 2008 has been fully considered by the Applicant.

Attached is a Petition to Request a Three Month Extension of Time and a check in the amount of $1050 to cover the government fee.

The specification has been objected to because of informalities. The specification has been amended to correct the reference numeral for the television 402.

Claim 1 is currently amended by incorporation of the limitation of dependent claim 6 and portions of dependent claim 9. Claims 7-9, 13 and 22 have been currently amended. Claims 2-5, 10-12, 14-21 and 23 have been previously presented. Claim 6 has been canceled.

Claims 1-23 rejected under 35 USC Section 102(b) as being unpatentable over PCT Publication No. WO99/66719 to D.J. Zigmond are traversed.

Independent claims 1, 13 and 22 have been amended to include the feature that the position, frequency and length of the replacement commercial portions may be determined by the user. Advantageously, the user can decide how and when to view a particular block of commercials. For example, instead of two four-minute commercial portions, the user could set his/her preferences to view four two-minute commercials portions i.e. more breaks but of a shorter length. Conversely, the user could choose to view one eight-minute commercial portion, i.e., less breaks but of a longer length.

In contrast, while Zigmond teaches that the content of advertisements can be varied in accordance with viewer response information (column 6, lines 17-26), the timing and length of the advertising block is determined by a designated signal in the video feed or the conventional pattern of advertisements. Thus, while the subject matter of the advertisements may be varied, the timing and length of the advertising block is fixed by the broadcaster.

According to the present invention, the user has a more flexible way of viewing advertisements, and if, for example, the viewer wishes to view a lower number of advertising blocks having a longer length, at least some of the triggering events which would normally initiate the reproduction of the commercial portion (according to Zigmond) would be disregarded. As such, the user can benefit from having less interruptions.

As Zigmond teaches away from the invention, the independent claims are novel and inventive. The dependent claims have been brought into line accordingly.

For all the foregoing reasons, it is believed that currently amended independent claims 1, 13 and 22 are patentability defined overs the cited reference. The remaining claims are depend upon either independent claims 1, 13 or 22 and are believed allowable for all of the same reasons.

Unless the undersigned has misinterpreted the Office Action, this amendment should place the claims in condition for allowance. If, for any reason, the claims are not in condition for allowance it is because of a mistake or a misunderstanding of the Office Action and, in such case, the Examiner is invited to call the undersigned at (918) 587-2000 so that any remaining amendments to place the application in condition for allowance can hopefully be achieved in a telephone interview. If any further charges are associated with this application, the Commissioner is hereby authorized to charge Deposit Account No. 08-1500.

Respectfully Submitted

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